THE COURTS.

Sunday Amusements—Neuendorff and the Police Commissioners.

THE ST. PAUL AND PACIFIC RAILROAD.

The City Marshals—Action of the Marine Court Sustained.

THE FOUNDLING ASYLUM'S BOOKS.

Yesterday Patrick Connors and Michael Gallagher were brought before Commissioner Shields charged with smuggling a large quantity of cigars on board the steamer Crescent City, from Cuba. They were held in default of $1,000 bail each.

David B. Harris, a Custom House officer, was yesterday brought before Commissioner Shields on a charge of having accepted a sum of money to influence his official action as such Custom House officer in facilitating the transmission of smuggled goods. He was discharged on entering into $5,000 bail to answer.

Suits have been commenced in the United States Circuit Court by Mark M. Stanfield, Philip H. Wentworth, James T. Leavitt, Dymon B. Jewell and John S. Melcher vs. Samuel R. Harlow, as Collector of Internal Revenue for the Fourth Collection district of this city, to recover in all about $18,462, as an alleged excess on sale of goods in excess of $50,000 for the year 1870. This tax was imposed on the plaintiffs in accordance with the thirtieth section of the act of June, 1864. The plaintiffs set up that they sold the goods in question as agents for manufacturing companies and not for themselves, and that for this reason they do not come within the provisions of the law alluded to. The defendant fills at present the office of United States Marshal in the Eastern District, at Brooklyn.

In the United States District Court yesterday Judge Blatchford rendered a decision in the matter of James Biglan, owner of the barge Hudson River. The barge libelled the steam tug Nellie to recover damages on account of a lighter towed by the tug colliding with the barge through the negligence of the officers of the tug. A decree is entered for the libellant, with the usual reference to a commissioner to ascertain the damages.

SUNDAY AMUSEMENTS.

The case of Adolph Neuendorff vs. the Police Commissioners was heard yesterday before Chief Justice Daly, holding Special Term of the Court of Common Pleas.

The plaintiff sued the Police Commissioners for damages and an injunction, because they interfere with his Stadt Theatre performances on Sunday night. The Corporation Counsel answered, setting up the Sunday law of 1860. To this the plaintiff demurred, and upon all the issues as well as upon the dissolution of the injunction the whole subject matter came up for consideration. To a great extent the arguments were almost identical with those hitherto had in the Strakosch case, before Judge Donohue, who has not yet rendered his decision.

Mr. Charles Wehle for the plaintiff particularly claimed the act of 1860 to be unconstitutional, because the prohibition of Sunday dramas was not announced in the title of the act. This was a new question not examined by Judge Murray Hoffman in the Hoyne case the December following the original enactment, nor by Judges Sutherland and Allen in the February ensuing. They only passed on the constitutionality of the law as interfering with the property of theatre managers, and as being matter of police regulation on Sunday.

Mr. Oakey Hall, on the other side, and employed by the Corporation Counsel, contended that in the above cited cases the Judges had upheld the Sunday law because it contributed to public order and peace by limiting theatrical exhibitions to week days, and hence the title, "An act to preserve the public peace and order on Sunday." Besides, although the act is local, its subject is fairly and reasonably announced, and the subject of the whole act was a single one. This is the language of the Court of Appeals in the Mayer case (50 N. Y., Reports). The Court adds, "if the various points of an act have respect or relate to its one subject the constitutional mandate is complied with and the degree of the relationship of each provision is not material if it legitimately tends to the accomplishment of the general purpose." The learned counsel on both sides seemed to refrain from touching the interesting questions of public policy embraced in the act, and relied upon the legal and constitutional aspects of the case. Mr. Hall expressly argued that all other aspects were cut off by the mandate of the Legislature. He might, if an Assemblyman, take a different view from that he was compelled to argue as counsel under the Lindenmuller decision. If the law was in force it ought to be obeyed. If it was against the aggregate of public opinion then the only question opened was one of modification. He believed the majority of the theatre managers were against Sunday evening performances. His friends and clients, Messrs. Wallack and Boucicault, had both petitioned for an enforcement of the law. If one theatre opened all must. And thus no rest be allowed to performers whose Saturdays were doubly heavy in work. The law of the courts remained as announced by the Court in the Lindenmuller case—viz., "In the State of New York Sunday exists as a day of rest by the common law without the necessity of legislative action to establish it, and all that the Legislature attempts to do in the Sunday law is to regulate its observance." Accordingly the Legislature have interdicted certain businesses and amusements, but allowed others to be free and permissible. The real concert was not prohibited; but the scenic and property representation of plays and operas were. The law might be unwise, but the Courts had said the Legislature had a right to deal with Sunday as it had done. The Court reserved its decision.

THE ST. PAUL AND PACIFIC RAILROAD.

W. W. Weetjen and others, of Amsterdam, bankers, took $7,000,000 of the bonds of the St. Paul and Pacific Railroad. A quantity of iron was bought with part of their money in England. The iron was shipped to this country, assigned to a member of the firm of Jay Cooke & Co., and stored with Woodward & Robinson and others, and one of the members of the same firm transferred the warehouse receipts to Cooke, McCulloch & Co., of London. This was before Jay Cooke & Co. failed.

Weetjen and others brought suit for themselves and on the part of others to whom they had sold the bonds to have the iron seized, on the ground that it was included in the mortgage of the St. Paul and Pacific Railroad. It appeared from one of the affidavits that after Jay Cooke & Co. had failed, in order to secure the navy deposits to the house of Cooke, McCulloch & Co., of London, who have not failed, a large portion of this iron was pledged to the Secretary of the Navy. On a motion before Judge Lawrence to continue a temporary injunction granted plaintiffs, it was urged for the defence that other parties should be brought in, and that the holders of the iron were innocent holders. Judge Lawrence rendered the following decision yesterday:—If the preliminary injunction granted in this case should be dissolved, and it should be finally determined on the trial of the action that the plaintiffs are entitled to the relief demanded, I think it quite apparent that a great, and probably irreparable, injury would ensue to the plaintiffs. The questions of fact are too grave to be disposed of on a mere motion, and the most just disposition of the case is to continue the injunction until the trial.

CASE OF THE CITY MARSHALS.

The case of Marshal Joseph Phillips, who was imprisoned for contempt last Thursday by order of Judge Spaulding, of the Marine Court, for a disobedience of a rule of that Court in undertaking to enforce an execution upon one of its judgments, came up yesterday before Judge Barrett, in the Court of Oyer and Terminer, upon the marshal's application to be released upon writ of habeas corpus. Judge Barrett sent the matter before Judge Davis, presiding at Chambers of the Supreme Court, who heard the argument.

The city marshals detailed to do duty in the Marine Court by the late Mayor Havemeyer united to contest the legality of the rule recently adopted by the Marine Court judges, which provides that all processes issued out of that Court, excepting orders of arrest and attachments against non-residents, must be directed to and executed by the Sheriff and they became interested in common in the case of Marshal Phillips to make it a test case. The marshals were represented by ex-Judge Cardozo, Matthew P. Breen and M. A. Gearns, while Messrs. Brown, Hall & Vanderpoel appeared on behalf of the Sheriff, and made return to the writ of habeas corpus setting forth the commitment. Mr. Breen entered a formal demurrer to the return, and stated that he and his associate counsel were ready to proceed with the argument on the issue. Ex-Judge Cardozo said, in the course of his argument, that the marshals were empowered to execute all process issuing out of the Marine Court by the act of 1865; that the act of 1872 in relation to the Marine Court did not divest them of this power, and that the rule of the Marine Court judges pretending to take away this power of the marshals to execute process was utterly void. He contended that Marshal Phillips, in enforcing the execution of the judgment thus issued out of the Marine Court in no way exceeded his powers as a city marshal, and was only doing his duty in the premises according to law, notwithstanding the rule of the Marine Court. Counsel therefore urged the immediate discharge of his client as one unlawfully restrained of his liberty.

Judge Davis delivered a lengthy opinion, saying, finally, that by the act of 1872 referred to, when a judgment of the Marine Court was docketed in the County Clerk's office, it must be enforced in the same manner as a judgment of the Court of Common Pleas, and that could be done by the Sheriff only. Entertaining this view, he directed that the prisoner be remanded. This, of course, is not satisfactory to the marshals. It is claimed by them that when a judgment is recorded in the Marine Court and not docketed in the County Clerk's office, under the decision of Judge Davis, the right to enforce an execution in a judgment had in the Marine Court remains unimpaired.

THE FOUNDLING ASYLUM.

A motion was recently made in a divorce suit between Wm. F. Morgan and Caroline S. Morgan for an order to compel the Sisters of Charity in charge of the New York Foundling Asylum to produce the books of the society for examination, for the purpose of establishing the fact of an illegitimate child having been born of the defendant in the case and placed in the asylum. The opposition to the application was that the officers could not be compelled to produce the books. Judge Robinson yesterday in Common Pleas denied the motion, and in his opinion, he says, as to the books of a corporation not a party to the action, no such power of enforcing an examination or production of them on trial between other parties is given; nor can its agents or officers, in their individual capacities, be compelled to discover or produce the books of a corporation over which they have not the absolute control and right of disposition.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT—CHAMBERS.

The Cross Town Railroad Injunction.

Before Judge Donohue.

In this suit, the particulars of which have been already published in the HERALD, Judge Donohue yesterday rendered the following decision:—The plaintiffs ask to restrain the defendants from running the road of the latter to the west of the line that they pass from West street to the foot of Christopher street. The defendants claim that under their charter they have the right to go down West street, from West street to Christopher and then turn their track to the west on a temporary street to the ferry at the end of it. It seems to me that on any reading of the corporation charters that I can arrive at the Legislature never intended to let the defendants pass to the west of where they are on West street. No fair reading of their charter would permit the bringing of their road to the west of the road at the foot of Christopher street. To strengthen this view there are many considerations, among others, when the Legislature wanted to give such a privilege, as in the plaintiff's charter they used the proper words, and at the same time the defendant's charter was passed there was no such place to run to as the defendants here claim the right to go to. The argument that the city map recognized the right of the city to fill in up to an outer line and make new tracks does not permit us to infer that, when made, a corporation created before the filling up could occupy it. To hold any such construction would be dangerous. Motion granted.

Decisions.

By Judge Lawrence.

Weetjen et al. vs. St. Paul and Pacific Railroad Company et al.—Motion granted, with $10 costs. (Memorandum.)

Matter of Gallagher.—The points on behalf of the Trust Company must be handed in before the 10th inst., or the case will then be disposed of.

Murphy vs. Gamble.—Granted.

By Judge Donohue.

Porous Plaster Company vs. Day.—Motion granted. (Opinion.)

Christopher and Tenth Street Railroad Company vs. Central Crosstown Railroad Company.—Motion granted.

Penfield vs. James.—Memorandum.

Hitchen vs. Hitchen.—Reference ordered.

Wolf vs. Wolf.—Decree of divorce granted to the plaintiff.

Real Estate Trust Company vs. Keech et al.—Memorandum.

Matter of the Petition of Bainbridge et al.—Motion granted.

SUPREME COURT—CIRCUIT—PART 2.

By Judge Van Brunt.

Mills vs. Hildreth et al.—Case settled.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Friedman.

Tribune Association vs. Smith.—See memorandum for counsel.

Trufert vs. Merrill.—Motion denied, with leave to renew on payment of $10 costs.

Gittis vs. Gittis.—Application denied.

Alexander vs. Alexander.—Defendant's motion for leave to amend answer by striking out "prayer for affirmative relief," granted.

Marine National Bank vs. National City Bank.—Motion denied, with $10 costs.

Wildmont vs. Meserole.—Findings of fact and conclusions of law, settled and filed.

COURT OF COMMON PLEAS—GENERAL TERM.

The Market Cleaners.

Before Judges J. P. Daly, Loew and J. F. Daly.

An appropriation of $30,000 was made in 1870 for cleaning the markets, and in December Phineas H. Kingsland, assignee of a number of the cleaners, brought suit and got judgment against the city for $11,763 85, the Court overruling the defence that only $513 48 of the appropriation remained. Defendants appealed to the General Term, Common Pleas, and decision was rendered yesterday, Judge J. F. Daly giving the opinion. The Court decides that people dealing with the city do so at their peril as to the employment being lawful and whether there was an appropriation to pay them; and by this rule effect is given to the provision saving the city from extravagance by its agents; and this should be acted upon, especially in this case, where the poor people suffering loss have, he believes, an action against these agents. Judgment was therefore reversed, but a new trial was ordered, as the plaintiffs might be able to show that there was no prior claim on the $513 48.

The Hackley Contract Broken.

Under the tax levy of 1860, authorizing a contract for cleaning the streets of the city, the contract was given to Mr. Hackley for five years. Very soon after Mr. Hackley assigned it to Charles Devlin and others. The payment was regularly made until 1862, when there was an outcry made in the papers about the state of the streets, and the city broke the contract on the ground that it was not fulfilled. Charles Devlin and his associates then brought suit and got judgment against the city for over $400,000. The city appealed to General Term of the Common Pleas Court, and yesterday the decision was rendered, Judge Joseph F. Daly giving the opinion. The decision is to this effect:—The contract was void from the beginning, because the act authorizing the contract violates the rule against having two subjects in a local act (decision in Hubner's case), and that, without it being stated in the title, the act alters the mode of awarding contracts (O'Brien's case). Moreover, in this case, a contract of such importance was not given to the lowest bidder, and to all appearance on a bribe of $40,000. The Court further holds that in a matter like this, affecting the health of the community, there was an implied discretion in awarding the contract, in reference to the character and ability of the parties; the charter forbids making contracts with persons indebted to the city, and this provision would be annulled if such latitude as to making assignments was allowed. Judgment was therefore reversed, and judgment absolute rendered for the city.

Decisions.

Yenni et al. vs. Ocean National Bank.—Judgment affirmed, with costs. Opinion by Judge C. P. Daly.

Drayton vs. Reid et al.—Judgment reversed; new trial ordered; costs to abide the event. Opinion by Judge C. P. Daly.

Bronk, administratrix, &c., vs. New York and New Haven Railroad Company.—Judgment reversed; new trial ordered; costs to abide the event. Opinion by Judge C. P. Daly.

Slater et al. vs. Mersereau.—Judgment affirmed, subject to correction mentioned in opinion. Opinion by Judge C. P. Daly.

Meezon vs. The Mayor, &c.—Judgment affirmed, with costs. Opinion by Judge C. P. Daly.

Devlin vs. The Mayor, &c.—Judgment reversed, and judgment absolute for defendants, The Mayor, &c. Opinion by Judge J. F. Daly.

Kingsland vs. The Mayor, &c.—Judgment reversed, new trial ordered, costs to abide the event. Opinion by Judge J. F. Daly.

Baxter vs. West.—Judgment reduced to a judgment simply for defendant and affirmed. Opinion by Judge C. P. Daly.

Altman vs. Altman.—Judgment affirmed, with costs. Opinion by Judge C. P. Daly.

Andes Insurance Company vs. Loehr.—Judgment reversed; new trial ordered; costs to abide the event. Opinion by Judge J. F. Daly.

Roller vs. Ahrends.—Judgment affirmed. Opinion by Judge Loew. Dissenting by Judge J. F. Daly.

Day vs. Pitts.—Judgment reversed, with costs. Opinion by Judge Loew.

Day vs. Pitts.—Judgment affirmed. Opinion by Judge Loew.

Hochster vs. Barruck.—Judgment reversed, with costs. Opinion by Judge J. F. Daly.

McCahill vs. Barnett.—Judgment affirmed subject to deduction specified in opinion. Opinion by Judge J. F. Daly.

Dunn vs. Merserole et al.—Order appealed from reversed with costs. Opinion by Judge J. F. Daly.

Hall vs. Schuchman.—Judgment affirmed with costs. Opinion by Judge J. F. Daly.

COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Larremore.

Merwin vs. Werel.—Let counsel attend before me, December 9, at half-past ten A. M.

Maumaun vs. Ryan.—Motion denied, without costs.

Haas vs. Simpson.—See memorandum.

By Judge Robinson.

Morgan vs. Morgan.—Motion denied, with $10 costs.

MARINE COURT—CHAMBERS.

Decisions.

By Judge McAdam.

Martin vs. Suckou.—Judgment for plaintiff on demurrer.

Reilly vs. Johnston.—Motion granted on payment of $10 costs.

Kaurth vs. Diers.—Motion denied. (See memorandum.)

Shorrell vs. Wallace.—Motion granted without costs.

Sprossen vs. Lackenmyer.—Motion denied.

O'Donnell vs. Meile.—Motion denied, as per order filed.

Popham vs. Starr.—(See opinion filed.)

Slocovich vs. Dollorse.—Marshal's fees taxed at $18.

Greer vs. Taylor.—Motion granted unless plaintiff serves complainant within five days and pays $10 costs.

Greenebaum vs. Cohen.—Motion granted on payment of $15 costs.

Ewest vs. Heims.—Motion granted on payment of $20 costs within four days.

Price vs. Cohen.—Motion granted.

Koch vs. Cameron.—Motion granted conditionally. (See papers.)

Batger vs. Murphy.—Motion granted without costs.

Pinkney vs. Comstock.—Motion granted on terms stated in order filed.

Schener vs. Goldstein.—Motion granted conditionally. (See papers.)

Powers vs. Phelps.—Motion granted as per order filed.

Cohen vs. Hickling.—Motion denied. (See 13 Abb., 180.)

Montegrifo vs. Parlicoli.—Motion to vacate denied. Bail reduced to $150.

Morette vs. Hirsch.—Motion granted as per order filed.

Lucas vs. Case.—Motion granted on payment of $15 costs allowed in order.

By Judge Spaulding.

Gill vs. Boyd; McDonald vs. Davis; Artman vs. Mendle; Rutherford vs. Andrews; Foster vs. Drew; Shumway vs. Wice; Cluett vs. Merchants' Collar Company; Lamson vs. Frielander; Root Steam Engine Company vs. Post, Jr.—Motions to advance causes granted.

Carpenter vs. Atherton.—Complaint dismissed, with $10 costs.

Keeler vs. Foote.—Justification of sureties dismissed.

Korzansky vs. Loremore.—Motion granted.

Conklin vs. Appleton.—Motion denied.

David vs. Rosset.—Motion granted, with $5 costs.

East New York Boot and Shoe Manufacturing Company vs. D. E. Wilde; Klin vs. Paltz.—Motions denied.

Henry vs. Waldron.—Motion granted.

COURT OF GENERAL SESSIONS.

Before Recorder Hackett.

The December term of this court opened yesterday, His Honor the Recorder presiding. The Grand Jury were empanelled and sworn, Mr. Sinclair Toucey having been chosen to act as foreman. After a brief charge by the Recorder, in which he clearly defined their duties, the Grand Jurors proceeded to their room and entered upon the discharge of their duties.

A Colored Girl Sentenced to Ten Years for Arson.

Mary E. Howard, a young colored girl, pleaded guilty to arson in the second degree. The charge was that on the 21st of November she wilfully set fire to a tenement house on the southeast corner of Eighty-seventh street and avenue A.

The Recorder, in passing sentence, said that the crime was an atrocious one, and that, had it not been for the fact that the fire was promptly extinguished, a number of families would have lost their lives. The prisoner was sentenced to the Penitentiary for ten years.

Burglary.

Waters F. Mead pleaded guilty to an attempt at burglary in the third degree, the allegation being that on the 13th of November he broke into the store of Charles Grabosky. No property was taken. Mead was sent to the State Prison for two years and six months.

Acquittals.

John Anton, a Spanish negro, was tried upon a charge of felonious assault, the complainant, Jeremiah Clifford, a 'longshoreman, swearing that as he was conducting a drunken man home along Front street, on the evening of the 16th of November, the latter staggered against the prisoner, whereupon he drew a knife and stabbed him (Clifford) in the abdomen. The prisoner told his story in such a frank way—the substance of which was that the complainant and two of his friends attacked and attempted to rob him—that the jury rendered a verdict of not guilty.

Patrick Matthews was tried upon an indictment charging him with burglariously entering an unfinished house in Madison avenue, owned by Cornelius O'Reilly, on the 15th of November, and stealing a few carpenter's tools. The accused swore that he and a companion were drunk, and were ashamed to meet the persons who were going to church on Sunday morning. They went into the basement, which was open, and had a sleep, but stole no tools. The jury acquitted the accused and he was discharged.

JEFFERSON MARKET POLICE COURT.

Assault on an Officer.

Before Judge Flammer.

Samuel and Thomas McMurray, of No. 68 Gansevoort street, and Terence Devlin, of No. 24 Little Twelfth street, were arraigned at the above Court yesterday on a charge of assaulting Officer John J. Wheelan, of the Ninth precinct. It is alleged that the prisoners, who are 'longshoremen, made an attack on the officer on Sunday morning last, knocked him down and cut him about the head and face. They were held in $700 bail each to answer.

Mr. Leo Corbelly, of No. 761 Washington street, charged John Ryan and Christopher Stanman with stealing an overcoat and $81 in money from him. They were held in $1,000 bail each to answer at General Sessions.

HARLEM POLICE COURT.

Robbed His Mother.

Before Judge Bixby.

Samuel Lenton, aged twenty-one, was accused of stealing $50 worth of silver spoons and jewels from his mother, Mrs. Susan Lenton, of No. 1,519 Third avenue. Harris Steinberg, of No. 7 Baxter street, was also arraigned on a charge of purchasing, with a guilty knowledge, the property stolen by Lenton. The latter was held for trial in default of $2,500 and Lenton in $500 bail.

Seventh District Civil Court Clerkship.

Judge Donohue on Saturday last rendered a decision giving the clerkship of the Seventh District Civil Court to Joseph Steinert, who had been appointed by Judge McGuire. Patrick Anthony, Judge Stemler's clerk, was yesterday served with a notice to vacate in favor of Steinert.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Davis.—Nos. 7, 30, 51, 85, 88, 100, 108, 111, 118, 129, 132, 144, 147, 153, 157, 180, 185, 217, 269, 270, 272, 276, 277, 278, 280, 282.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Vorst.—Demurrers—Nos. 26, 30. Issues of Law and Fact—Nos. 9, 42, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

SUPREME COURT—CIRCUIT—Part 2—Held by Judge Van Brunt.—Nos. 2618, 2170, 100½, 992½, 1848, 2864, 4420, 4370, 4372, 432, 638, 2350, 1978, 2190, 2192, 835, 2314, 1776, 324½, 4234. Part 3—Held by Judge Lawrence.—Nos. 4243, 4245, 4247, 4249, 1399, 993½, 2127, 457, 1943, 2085, 483, 4395, 2103, 2105, 2107, 4061, 3577, 877, 211, 4065.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Speir.—Nos. 617, 711, 583, 1031, 493, 685, 677, 723, 733, 735, 687, 747, 715, 757, 761. Part 2—Held by Judge Freedman.—Nos. 724, 726, 730, 680, 712, 738, 552, 732, 428, 694, 764, 642½, 700, 1540, 768.

COMMON PLEAS—EQUITY TERM—Held by Judge J. P. Daly.—Nos. 16, 17, 18, 19, 20, 21.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Larremore.—Nos. 211, 494½, 225, 228, 782, 1622, 2099, 805, 2241, 2242, 2305, 1254, 1255, 1256, 562. Part 2—Held by Judge Loew.—Case on, No. 1088. No day calendar.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Joachimsen.—Nos. 741, 1404, 588, 1979, 754, 755, 750, 757, 758, 759, 760, 761, 763, 764, 765. Part 2—Held by Judge Shea.—Nos. 497, 1074, 1353, 1354, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775. Part 3—Held by Judge Alker.—Nos. 1408, 1855, 1572, 1981, 1924, 1841, 1605, 1570, 1578, 1811, 1710, 1440, 2078, 4902, 2720.

GENERAL SESSIONS—Held by Recorder Hackett.—The People vs. William Parker, robbery; Same vs. John McGuire, robbery; Same vs. Edward Ronaldo, felonious assault and battery; Same vs. Peter Peterson, grand larceny; Same vs. Kate Reynolds, grand larceny; Same vs. John Chaloney, grand larceny; Same vs. Samuel Cohn, grand larceny; Same vs. Charles Stevens, grand larceny; Same vs. Henry Smith, grand larceny; Same vs. Joseph Schoenden, receiving stolen goods; Same vs. Bernard Reinach, false pretences; Same vs. James O'Keefe, petit larceny; Same vs. John Flanigan, petit larceny; Same vs. John Fennelly, petit larceny; Same vs. Mary Sheridan, petit larceny; Same vs. Eva Sutta, petit larceny; Same vs. George Gaggins, concealed weapon.

OYER AND TERMINER—Held by Judge Barrett.—The People vs. Richard Croker, homicide.

CORONER CROKER.

The McKenna Homicide in Court—Croker Arraigned and the Trial Begun—Names of the Jurors.

Coroner Croker, for whose speedy trial his counsel had manifested seemingly great impatience, was formally arraigned for trial yesterday in the Court of Oyer and Terminer, Judge Barrett on the bench, on an indictment for murder in the first degree, for shooting John McKenna on last election day. There was not the public interest shown in the case naturally anticipated from the fact of the accused holding an important public position. The crowd present, though nearly filling the court room, was by no means as large as those attracted to the Stokes and Tweed trials. There was no inconvenient rush and there was room enough for all whose curiosity led them to attend the trial. District Attorney Phelps, assisted by Messrs. Rollins and Lyon, conducted the prosecution, and Colonel Fellows, Henry L. Clinton and Colonel Wingate were counsel for the defence. A solid phalanx of his personal and political friends sat close around the prisoner.

EXAMINING JURORS.

A good laugh was caused by the determined and apparently contradictory answers of the first juror examined, a respectable looking middle-aged gentleman. He was opposed to capital punishment. When pressed as to his reason he said hanging was not bad enough for murderers; he would send them to State Prison for life. On further questioning, it became apparent this gentleman had a repugnance to the infliction of capital punishment, and he was excused.

The next juror examined was Nathaniel J. W. Lecato, a shrewd-looking gentleman, whose answers were short, satisfactory and decisive. He is a commission merchant and has no time to form preconceived opinions about shooting cases reported in the papers. He was sent to the foreman's place in the box.

Counsel then held a friendly "talk," and the result was that, for the convenience of both, they agreed to fill the box before swearing the jurors, as on the Tweed trial. The object was to give each side an opportunity of ascertaining, if possible, through their agents, the character and political proclivities (if any) of the jurors not considered objectionable. The Court consented to this arrangement.

Bernard Kreuger was otherwise unexceptionable—he was a benevolent looking old German—but, unfortunately, labored and bungled fearfully at constructing his English sentences. He confessed what every one saw that he did not understand English exactly as well as his native German. Mr. Clinton took him in hand and there was grand confusion, followed by laughter, when the juror said he "wrote" the jury's evidence before the Coroner and "wrote" next day an article in a newspaper on the shooting. Mr. Clinton wanted to know why he wrote those things, when Mr. Phelps explained that the gentleman meant "read," to which he assented. He was excused.

Andrew Jackson Davis and several others, having scruples against hanging men found guilty of murder, were promptly excused.

Michael Fletcher passed muster and was sent to the box.

After some twenty jurors for the first place were examined, the following were sent to the box:—Henry H. Bowers, Henry McGregor and Freeman Bloodgood.

Jonas Tanzer, Richard McNamee and Robert Ogleby were sent to the sixth, seventh and eighth places.

The jurors, it appears, are to be kept in strict seclusion from the outer world. Mr. Clinton wished to ask Mr. Ogleby "one question more," viz.:—Whether he would allow the articles appearing in the newspapers from now forward to influence him?

Judge Barrett at once interposed with—"From this time forward you may exclude, as I don't propose to allow them to read any."

Clarence B. Rutan gave satisfactory answers, as did also Timothy S. Hilton. The latter, although not believing in capital punishment "as an absolute question of ethics," was sent to the box.

Martin Cantellon stated a man unknown called on him to ascertain his political bias, but he let him severely alone. He did not see the man in Court. Mr. Cantellon was directed to take his seat in the box, and if he saw the unknown inquirer on the witness stand to point him out.

The first panel being then exhausted, the second panel was called on fines. Sixty-five answered.

George W. Young, one of the first called, was accepted and sent to the twelfth chair.

The number being now completed, the prisoner was ordered to "rise and look upon the jurors," and nine were sworn.

Michael Fletcher, No. 200 Elm street, and Clarence R. Rutan, St. Nicholas Hotel, were challenged peremptorily by the District Attorney, and Martin Cantellon, No. 67 Vandam street, by the defence.

Nine being left in the jury box after this process, three more were to be sifted out of the crowd of jurors.

Robert D. Lloyd was accepted and sworn, as were also Louis Ouvrier and Enos T. Throop, and the number was complete.

Mr. Throop laughingly stated, in the course of his examination, that a deputy sheriff told him he had only to "express an opinion" and he would be excused. To which the District Attorney replied:—"I can tell you the deputy sheriff's law was not correct."

The following are the

NAMES OF THE JURORS

as sworn:—

Nathaniel J. W. Lecato, No. 27 Horatio street.
Henry H. Bowers, National Hotel.
Henry McGregor, No. 150 West Twenty-sixth street.
Freeman Bloodgood, No. 215 Thompson street.
Jonas Tanzer, No. 11 West Forty-ninth street.
Richard McNamee, No. 140 East Nineteenth street.
Robert Ogilvie, No. 443 East 119th street.
Timothy S. Holton, No. 58 West Thirty-first street.
George W. Young, No. 73 West Fifty-third street.
Robert D. Lloyd, No. 138 East Thirtieth street.
Louis Ouvrier, No. 247 West Thirteenth street.
Enos T. Throop, No. 351 West Fifty-seventh street.

COURT OF APPEALS.

ALBANY, N. Y., Dec. 7, 1874.

No. 110. David F. Barnegappel vs. The Oyster Bay Huntingdon Steamboat Company, respondents.—Argument was resumed this morning, but the Court deciding that it had no jurisdiction of the case the appeal was dismissed with costs.

No. 111. Ira Dunlap, appellant, vs. Hannah R. Hawkins, respondent.—Submitted.

No. 113. John L. Buckland et al., respondents, vs. The New Jersey Steamboat Company, appellants.—Argued by W. Packer Prentice and counsel for appellant, and by Essex Cowan for respondents.

No. 114. James M. Boyd, appellant, vs. Louis Schlesinger, respondent.—Argued by Frederick J. Pepeysler, of counsel for appellant, and by Elias J. Beach for respondent.

No. 115. David Ockart, appellant, vs. Gilbert V. Lansing et al., respondents.—Argued by R. A. Parmenter, of counsel for appellant, and by E. F. Bullard for respondents.

Nos. 116 and 117. Peter Goelet et al., appellants, vs. Paul N. Spofford et al., respondents.—On motion of counsel for respondents, appellant's counsel consenting, judgment affirmed by default.

No. 119. Sarah L. Fitch, appellant, vs. The American Popular Life Insurance Company, respondents.—Argued by R. E. Andrews, counsel for appellant, and George Bliss for respondents.

Adjourned to Tuesday, December 8, at ten A. M.

Calendar.

The following is the day calendar of the Court of Appeals for Tuesday, December 8:—Nos. 4, 21, 100, 36, 52, 97, 120, 112.

WESTCHESTER COURT MATTERS.

The December term of the Supreme Court and Court of Oyer and Terminer convened yesterday at White Plains, Westchester county, before Justice Pratt, County Judge Gifford and Associate Justices Howe and Silkman. When the Grand Jury had been empanelled and charged briefly by the Court they retired, and after deliberating on the only case requiring their consideration they were discharged for the term.

The report of the commission appointed by Judge Tappen to inquire into the mental condition of Auguste Lachaume, who is under indictment for assault with intent to kill James P. Sanders in the City Court room at Yonkers, was read, setting forth that the members of the commission had seen nothing in the testimony taken which would warrant them in the belief that the prisoner was insane at the time the crime was committed.

District Attorney Briggs therefore urged that the ends of justice required the trial of the accused during the present term of the Court.

Counsel for Lachaume pleaded for a further stay of proceedings, stating, among other reasons, that the testimony ordered to be taken in France, and which would tend to prove insanity on the part of some of the prisoner's ancestors in that country, had not yet reached this side of the Atlantic.

After some slight legal sparring between counsel the Court announced its decision, denying the motion for a stay, and naming Thursday as the day for trial.

On Wednesday the case of John Pugsley, colored, indicted for the murder of another colored individual at New Rochelle, a few months ago, will be taken up.

THE TRIAL OF NEWARK OFFICIALS.

The trial of Alderman Stainsby and ex-Commissioner Young for alleged conspiracy to defraud the city of Newark in connection with real estate transactions in the Fourteenth street opening was resumed yesterday. The defence placed Young, one of the alleged conspirators, on the stand. On cross-examination Young admitted having given Stainsby information of lots being for sale on Avon avenue, as well as Fourteenth street, which lots were bought by Stainsby's nephew, Taylor, and upon which Taylor obtained the assessments; that he had served on from 200 to 300 commissions; that the custom has been to sell houses &c. at auction; that the house on Taylor's lot was sold at "auction" at two o'clock in the day; witness' son William, a Mr. Van Houten, and two or three other persons were present only; that he (Young) bought in the house for $85 for Stainsby, and that his son William drew up reports, made out maps, deeds, &c.; that the same course was pursued in regard to Fourteenth street as on other openings; that he informed other persons besides Stainsby of certain properties for sale; that he knew nothing about the Lane matter until after the assessment was made, and that he had no interest in the lots sold to Taylor on Nineteenth street.

The next witness was Alderman Stainsby, the other official on trial. He gave his testimony in an unusually mild and careful manner, answering the questions put to him without any hesitation. He swore that he drew Taylor's attention to the Lane and Guenther property, and was himself a large owner of property along Fourteenth street, in which he invested at the suggestion of Jacob Skinkle; that Young told him about the Lane and Guenther lots. The balance of his direct examination went to show that, according to Stainsby, he had helped Taylor to acquire the property as he would his own son, having no interest, pecuniarily, in the matter, either with Taylor or Young. Upon cross-examination he stated he was Chairman of the Common Council Street Committee, which appointed these commissions such as Young was chairman of; that he gave information to Taylor of other tracts and advanced him money wherewith to buy; that he had never been absent from council meetings while ratification of assessments was made; that Taylor got $2,700 for the Moore lot, for which he paid only $2,100; that Taylor got $600 for the part taken by the city. He admitted further that he knew the land was of more value than the sum asked and that it would be assessed at its full value. He denied having any interest monetarily in the transactions upon the redirect examination. This closed the testimony on both sides, and, by agreement of counsel, the case was adjourned till to-day, when it will be summed up, and, after the Judge's charge, be given to the jury.

AMERICAN TRUST COMPANY.

The Hearing Before The Judge of Probate—Some Idea of the Standing and Condition of the Company.

NEW HAVEN, Conn., Dec. 7, 1874.

The matter of the American National Life and Trust Company came up for a hearing to-day at the office of the Judge of Probate, in answer to the petitions of Insurance Commissioner Stedman, who, with his assistant, Mr. Maltbie, and Mr. H. B. Harrison, as counsel, was present. There were also present the counsel of the company and a large number of insurance men. Colonel D. R. Wright, for the company, asked for an adjournment of the hearing, as notice was given at the last meeting that such a motion would be made, and that notice had also been given by the prosecution that the motion would be resisted. He stated that he had supposed that the investigation would have been arrested by the raising of the constitutional question. Since the investigation began circulars had been sent to all the policy holders and others interested in the company, in order that a perfect understanding of the financial condition of the company's affairs might be reached. The company desire an exhaustive hearing, and an exhaustive hearing implies an exhaustive preparation and time in which to make the proper arrangements.

THE STATUTE PROVIDES

that on the 31st day of December the affairs of the company shall be localized; also that prior to the first day of March following a statement shall be made up by the company giving details of all transactions, and that the whole shall be given to the Insurance Commission. The company is represented in fifteen States of the Union by 100 agencies. To all these agencies notices had been issued, but it was not believed that all the returns could be obtained prior to March. The delay till that time will expedite the matter, the company not desiring delay for the sake of delay. The company is willing for the investigation to proceed. Every day granted of delay at present would speed the trial so much. The National company had become virtually the Home company. To the surprise of the directors certain irregularities had been discovered in the affairs of the Home company. Time to overhaul the affairs of all the companies involved is necessary. If the New York company had been involved in a fraud it was to be hoped that the National company would not be thrown into bankruptcy on that account, but that the fraud, if possible, might be so proved. In conclusion, he would be glad to have the case set down for January 5, 1875.

STATEMENT BY OPPOSING COUNSEL.

Mr. Harrison, for the Commission, said:—It is not difficult for an ingenious counsel to find grounds which look fair on which to ask for delay. They speak of the difficulty in arriving at a satisfactory statement of liabilities and assets. That matter, as they well know, can be easily settled. They have, as we have, experts employed to decide. The public demand that not one further hour of delay should be granted.

Colonel Wright said that at least five estimates of assets and liabilities should be made. If made in the office less time would be required than if taken at the mouths of witnesses in court. Experts had claimed that the examination would take till December 31.

Judge Bradley said he did not see how the estimation of the assets should be a matter difficult to arrive at. He did see how there might be dispute on the amount of reserve necessary to be held. He thought the experts should have time to make the examination, and, as on good authority it was averred that it would take two or three weeks to prepare the cases he thought that amount of time should be granted. He should be compelled to call in a Superior Court judge to sit with him at the hearing, but as no judge had yet named the date on which he could be able to sit he should be obliged to communicate further with the judges, and so soon as he could ascertain on what date a judge could be procured he would set down the date for a final hearing.

The Court then adjourned.

THE METHODIST PREACHERS.

Yesterday was devotional day with the Methodist ministers, and probably on that account the attendance was smaller than usual. For, tired out as the pastors declare themselves to be with the labors of the Sabbath, they appear usually on Monday mornings to be much more ready to talk with one another than with God. Debate is much more interesting to them than prayer. Nevertheless, the exercises yesterday were of deep religious interest. The venerable Father Reynolds—now eighty-four years old—repudiated the idea that he was growing old or going to die. He was never younger, and he expects to live forever. Brother Terry, of the Mission Rooms, who has just completed his half century with the Methodist Episcopal Church, felt young and so expressed himself also. He did not believe that the former days were better than these, but the contrary. Pastor Hedstrom, of the Bethel ship, another veteran in the ministry, had a word to say about the good time he had on Sunday among the sailors who gather to his church. He has had a perpetual revival for twenty-five years, and is full of interesting incidents of his labors in New York as a missionary among his Scandinavian countrymen. He is the father of the Scandinavian Methodist missions in the United States and in Northern Europe, which are among the most successful of the Methodist missions to-day. President Cummings, of Wesleyan University, Middletown, Conn., had a good word to say for the students in his institution and the religious interest that prevails there. Brother Morehouse encouraged his brethren by a word of cheer from the city missions, where God is reviving His work. Other brethren also had a word of exhortation or experience to offer, and Chaplain McCabe intensified the interest by singing hymns of faith and hope. Dr. True will read a paper next Monday on the use of tobacco among ministers.

WORK OF THE CORONERS.

John Eckles, a laborer, thirty-three years of age, who lived at No. 411 West Twenty-seventh street, died yesterday in Bellevue Hospital. He was assisting to discharge a coal barge foot of Thirtieth street, when the gaff of the derrick broke and struck him on the head, producing concussion of the brain. Coroner Woltman was notified.

Eudora Nathan, a woman thirty-one years of age and a native of Charleston, S. C., died suddenly at her residence at No. 218 West Forty-fifth street, as Dr. Hall, the attending physician supposes, from convulsions, due to the attempt to abandon the use of opium, to which she had been addicted. Coroner Kessler was notified.

Coroner Kessler was yesterday called to the Penitentiary Hospital, Blackwell's Island, to hold an inquest on the body of J. J. Davies, twenty-seven years of age and born in England, who is said to have died of hernia. Davies was serving out a twelve months' imprisonment on conviction for assault and battery.

PACIFIC MAIL MATTERS.

Election of President—Russell Sage Answers the Managing Director—Wall Street Ethics—Selling "Calls" No Speculation.

Yesterday morning things were lively on "the street." Pacific Mail stock, under the effects of a vigorous "bear" raid, sold down from 41 to 39¾. In the afternoon, at one o'clock, at the splendid offices of the company, an

ELECTION FOR PRESIDENT TOOK PLACE.

The directors' meeting was very harmonious, and Mr. F. Alexandre (of F. Alexandre & Sons), of the New York, Havana and Mexico Steamship Company, was unanimously chosen to succeed Mr. Russell Sage, the late President, and Mr. W. H. Fogg, the great tea and silk importer, of Burling slip, was elected as a director to fill the vacancy. The confidence inspired by these selections sent Pacific Mail up to 41 again.

The late President issues a reply to the charges made against him of speculating in the company's stock, in which, without answering the statements already put forth, he naively claims that selling "calls" is not speculating. We append the

STATEMENT OF MR. RUSSELL SAGE.

TO THE STOCKHOLDERS OF THE PACIFIC MAIL STEAMSHIP COMPANY:—

You have seen by the daily press the announcement of my resignation of the presidency of your company. In offering it I stated all that I considered necessary in the way of motive, and expressed sincerely my kindly disposition toward the company and my best wishes for its prosperity. I should have had nothing more to say but that I have since found myself the subject of attack through the same channel, chiefly emanating from Mr. Rufus Hatch, and expressed with a coarseness of language and rudeness of manner which seem to make it a matter of self-respect, considering especially my relation to other large corporations and of duty to you, to make this statement.

To those of you who know Mr. Hatch it is needless to portray him. To those who do not the information will, perhaps, be as surprising as it may be useful, that he is a man of unbusinesslike habits, violent and vindictive temper, coarse language and ill balanced mind. His recent conduct I impute, upon satisfactory grounds, to motives the opposite of candor or disinterestedness. I have often had differences with him arising out of what I regarded as extravagance in his management and gross errors of judgment, arising from want of the needful good temper and self-control. I remember a recent occasion on which the exhibition of his peculiar qualities put at risk the ship City of Peking, then just starting on a voyage of 12,000 miles, with a cargo of great value and I can appeal to my fellow directors, Messrs. Alexandre, Talcott and Guion, who were witnesses of the facts, to corroborate my statement of them. The vessel was lying at anchor in the lower bay, waiting to have her compasses adjusted, when Mr. Hatch, in the presence of crowds of guests and passengers, and in the most violent manner, commenced an attack upon the captain, first officer and engineer, expressed in the same boisterous manner and coarse language which have characterized his recent conduct toward me. He declared that these three officers should then and there be made to vacate their posts and submit to be replaced by others whom he would pick up before the vessel started, and the scene was only ended by the interference of the United States Adjuster of Compasses and of Mr. Roach, and by the exertions of Messrs. Alexandre, Talcott, Guion and myself, who by great exertions prevailed upon him to suspend his display of violence.

I refer to these matters that you may know the character of the swift witness against me. I might instance other similar or worse conduct of Mr. Hatch which I, with others, have tried to control and counteract in your interest, but for the present forbear.

My personal connection with your company has been and is that of a large creditor and stockholder. A little more than a year ago, just before the beginning of the panic, the company was in great trouble for the want of means. Its ships were under seizure at the wharves for taxes unpaid and its current wants of money were more than it could meet. I was called upon to aid it, and I did aid it with my means and credit to a large amount, having as security the unearned subsidy from the United States government. I carried my loan through the days of the panic, and I have frequently since furnished the company with means to buy coal and other supplies at such times and in such a way as to secure to it either large savings or large profits in the use of money. I have advanced largely to save its credit and repay overdrafts, and I am now one of the largest of its creditors.

I was very unexpectedly elected as its President without any solicitation on my part and under peculiar circumstances. The President, Captain Bradbury, was in San Francisco, whither he had gone to effect a loan. In that, however, he had failed. During his absence the Vice President was charged with dereliction of duty, suspended and removed. Captain Bradbury resigned by telegram, and I was put in the position which he vacated. I have performed its duties without pay, directly or indirectly. I have had neither salary, commission nor interest in contracts for buildings or repairs, and I have not otherwise profited by the position. The habits of my life in my personal business and in that which I have managed for others have been habits of economy, and I have tried to practise that virtue in my official position in your company. While approving the excursions which tended to bring the company and its ships into notice and not regretting the hospitality which was exercised on those occasions, I set my face against the unjustifiable and extravagant claims which grew out of them, and thence arose some differences with Mr. Hatch, which partly account for his present attitude.

I have been charged with speculating in the stock of the company. I was once asked if I had sold stock short, and answered in the negative. It was then asserted that I had had an interest in a sale of stock made by Mr. Jay Gould. That is true, but the sale referred to was not a short sale. Mr. Gould had made a sale of 1,200 shares, and at his request I sent his broker 400 shares, which were my own stock, purchased before the sale was made. That was not a short sale, and I have never sold or contracted to sell or to deliver any stock but such as I already owned and had possession of. I admit that I have sold calls to a limited extent, but never except when I had the stock to respond to the calls. I have often sustained the credit of the company by purchasing its stock. My means are limited. To dispose of purchases so made I have sold "calls"—that is, stock for future delivery. I am in the way of doing business with many men, who, in anticipation of their income, desire to fix a price at which they can invest in the purchase of stock when their income is available. I have never fixed a price or sold a call unless I actually had the stock in my trunk and owned the same. I have never considered, and do not consider, sales of stock in this way as inconsistent with the duties of my position or injurious to the company. On the contrary, the effect of my action has been to sustain the market and maintain the credit of the company.

The position in which I was placed by reason of Mr. Hatch's manners and language and want of business habits long ago made the position of President distasteful to me. I determined not to accept it again, and so informed him at the meeting at his house, to which he refers. It is utterly untrue that I begged or in any way solicited him to let me remain. The position which I occupied was not his to bestow. I did not call on him for that purpose and expressed no such wish. In consequence of what had happened on the previous evening I was led to believe that he was acting in harmony with the purposes of those who were hostile to the company, and who desired to use him in connection with stock operations, from which he was to derive personal profit. My chief object in calling on him was to get what information I could on that point, and to influence him, if possible, against connecting himself with any such scheme. To enforce that appeal and dissuade him from the further continuance of the connection which I was satisfied he had formed, I stated to him that he was likely to be dependent upon the company for years, and that he ought to make its interests his own, while my own official connection with it was sure to be temporary and limited to my present term of office. This style of remark is what he has absurdly perverted into an appeal from me to him that he should let me remain. In that interview he told me that the indebtedness of the company was about $1,800,000 or $1,900,000, including $500,000 due the Panama Railroad Company. Mr. Hatch explained that about $200,000 of this indebtedness was the result of extra work on the steamers Peking and Tokio.

This statement of indebtedness then made by him was a surprise to me; it was larger than I had supposed it to be. This was the first information I had ever been able to get of the magnitude of the debt. I then and there advised a full and complete statement to be made out to the stockholders, so that each man might see exactly what the position of the company was and what we had done since we became connected with the company, suggesting that the new steamers would soon begin to earn money and would soon reduce the amount of the debt, and with the improved condition of our means for doing business and large supplies of coal, together with the advanced rates for doing business and the general favorable prospects of business, with rigid economy in our expenses, I believed that we would be able to discharge and pay off this indebtedness, in which he fully concurred. Our views at that interview appeared to be in harmony.

After that interview I very soon became convinced that outside stock operators, relying on the co-operation of Mr. Hatch, were endeavoring to create an atmosphere of prejudice and distrust against myself, in which I should find it difficult to exercise any good influence for the company. Having other large interests to attend to, and with little inclination to be kept in contact with intrigue, deception, violence and bad management, I resigned. I have learned that Mr. Alexandre has been elected my successor. I feel it to be my duty to you to here bear cheerful testimony of my full confidence in him as a business man and as a man of integrity, experience and capacity. I believe if he can carry into effect his own ideas of economy and management of the affairs of the company he will be eminently successful in promoting its interests. He has my best wishes, and will have, whenever and as often as he requires it, my hearty co-operation.

Gentlemen, you have a fine property and are engaged in a noble enterprise. It has not been as successful in the past as you could have desired, but I am satisfied that with wise, honest and economical management your investments are of value. That you may have repeated and continued practical demonstration of this fact is the sincere wish of your most obedient servant,

RUSSELL SAGE.

Let Us Have a Detailed Account.

NEW YORK, Dec. 5, 1874.

TO THE EDITOR OF THE HERALD:—

As the affairs of the Pacific Mail Steamship Company are now attracting a good deal of public attention, and the recent forced resignation of its President develops some curious facts, I propose to give you my views as to the course which should be pursued by the managing director, Mr. Rufus Hatch. It was charged that Mr. Russell Sage, although President of the company, had sold the stock short. The natural inference would be that, from his position in the company and his personal knowledge of its true condition, he believed it insolvent, and, acting upon this belief, sold the stock short. It now becomes a duty which Mr. Hatch owes to himself as well as to the stockholders to show clearly the real condition of the company at the present time—not by a partial statement, as made in September last, but by a detailed account of its earnings and expenses for the past year, its entire liabilities and assets, giving the names of the steamers owned by the company and their real value, not the cost. In looking over the annual reports of the Pacific Mail Steamship Company for a number of years I found the same steamers taken year after year at the same valuation (originally extreme), when it was notorious that the majority of them had become almost worthless.

Mr. Hatch should employ some well known expert in accounts to make the examination, who has no interest in the company and whose statement would be accepted by the public as showing the true condition of its affairs. If the condition of the company should be reported upon favorably the newspaper attacks would cease. It is the studied concealment which has excited comment and distrust, and its continuance now would be disastrous to the stock.

ALEX.